

ELOISE MILLER
DAVID MILLER

IBLA 81-50
81-53

Decided June 30, 1981

Appeal from decisions of the Montana State Office, Bureau of Land Management, dismissing appellants' protests of the return of their remittances and entry cards in the July 1980 simultaneous oil and gas drawings. 1/ MTA-Sims-009; MTA-Sims-008.

Reversed and remanded.

1. Accounts: Generally -- Fees -- Oil and Gas Leases: Generally -- Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: Applications: Filing

Filing fees submitted in the form of an instrument drawn by a bank on its own assets, and which is signed by an officer of the bank and is a direct obligation of the issuing bank are acceptable under 43 CFR 3112.2-2.

APPEARANCES: Jason R. Warren, Esq., for appellants.

OPINION BY ADMINISTRATIVE JUDGE BURSKI

Eloise B. Miller and David Miller appeal from the September 26, 1980, decisions of the Montana State Office, Bureau of Land Management (BLM), dismissing protests against the return of their filing fees and drawing entry cards. Appellants submitted entry cards and fees for parcels in simultaneous oil and gas drawings for Montana in July, 1980. The fees were submitted in the form of drafts drawn by the Deposit Guaranty National Bank in Jackson, Mississippi, directed to the First National Bank, Dallas, Texas, with appellants as remitters. BLM

1/ See Appendix.

returned appellants' filings citing 43 CFR 3112.2-2. On September 15, 1980, appellants filed protests with BLM. The applications and filing fees were resubmitted with their protests, which were denied in the September 26 decisions.

[1] The pertinent part of the regulation, 43 CFR 3112.2-2, states: "The filing fee shall be paid in U.S. currency, Post Office or bank money order, bank cashier's check or bank certified check, made payable to the Bureau of Land Management." Appellants contend that the instruments which they submitted were acceptable because they complied with regulation 43 CFR 3112.2-2 and an undated notice issued by the Montana State Office, BLM, which purportedly clarified and identified forms of acceptable remittances. That notice stated:

Cashier's Checks: These are checks drawn on and issued by a bank, signed by its cashier, assistant cashier, or other authorized bank official, and are a direct obligation of the bank. They may be annotated with terms such as "Cashier's Check", "Teller's Check", or "Official Check". As long as the check is drawn on the assets of the bank and signed by an authorized bank employee, it may be accepted as a Cashier's Check. [Emphasis added.]

The instruments submitted by appellants for payment of filing fees were drawn by a bank on its own assets and signed by an authorized bank official. It seems likely that BLM rejected these remittances owing to a belief that they were "registered checks" which various BLM guidelines directed were not to be accepted. Thus, each check contained the word "Registered" followed by a line which contained a signature.

Appellants, however, point out that these are not "registered checks" which are also known as bank personal money orders. ^{2/} An affidavit submitted by the vice-president for Collection and Exchange noted: "That the term 'Registered' appearing in the lower left corner of the checks is the designation for the line where the bank employee preparing the check is to sign before submitting the check for approval and affixing the signature of the Vice President and Cashier." It seems clear that appellants' remittances were indeed cashier's checks and that it was error to reject them. Oxy Petroleum, Inc., 52 IBLA 239 (1981).

^{2/} Appellants assume that bank personal money orders were not an acceptable form of remittance. But see W. W. Priest, 5 IBLA (1981); Charles J. Rydzenski, 55 IBLA 373, 88 I.D. 625 (1981).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is reversed and the case files are remanded for further action.

James L. Burski
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Gail M. Frazier
Administrative Judge

APPENDIX

MTA Sims-009

Eloise B. Miller

Parcels AppealedLease Numbers

MT-31	M 48621
MT-36	M 48626
MT-38	M 48628
MT-41	M 48631
MT-51	M 48641
MT-52	M 48642
MT-53	M 48643
MT-54	M 48644
MT-55	M 48645
MT-56	M 48646
MT-57	M 48647
MT-58	M 48648
MT-59	M 48649
MT-60	M 48650
MT-61	M 48651
MT-63	M 48653
MT-64	M 48654
MT-65	M 48655
MT-66	M 48656
MT-67	M 48657
MT-68	M 48658
MT-69	M 48659
MT-70	M 48660
MT-71	M 48661
MT-72	M 48662
MT-73	M 48663
MT-74	M 48664
MT-75	M 48665
MT-76	M 48666
MT-77	M 48667
MT-78	M 48668
MT-79	M 48669
MT-80	M 48670
MT-81	M 48671
MT-82	M 48672
MT-83	M 48673
MT-84	M 48674
MT-85	M 48675
MT-86	M 48676
MT-87	M 48677
MT-88	M 48678
MT-134	M 48724

MTA Sims-008

David Miller

Parcels AppealedLease Numbers

MT-31	M 48621
MT-36	M 48626
MT-38	M 48628
MT-40	M 48630
MT-41	M 48631
MT-42	M 48632
MT-51	M 48641
MT-52	M 48642
MT-53	M 48643
MT-54	M 48644
MT-55	M 48645
MT-56	M 48646
MT-57	M 48647
MT-58	M 48648
MT-59	M 48649
MT-60	M 48650
MT-61	M 48651
MT-63	M 48653
MT-64	M 48654
MT-65	M 48655
MT-66	M 48656
MT-67	M 48657
MT-68	M 48658
MT-69	M 48659
MT-70	M 48660
MT-71	M 48661
MT-72	M 48662
MT-73	M 48663
MT-74	M 48664
MT-75	M 48665
MT-76	M 48666
MT-77	M 48667
MT-78	M 48668
MT-79	M 48669
MT-80	M 48670
MT-81	M 48671
MT-82	M 48672
MT-83	M 48673
MT-84	M 48674
MT-85	M 48675
MT-86	M 48676
MT-87	M 48677
MT-88	M 48678
MT-89	M 48679
MT-91	M 48681
MT-92	M 48682
MT-96	M 48686
MT-127	M 48717
MT-133	M 48723
MT-134	M 48724

